

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MAURICE ASSADOURIAN,

Plaintiff,

V.

YOUSSEF HARB, et al.,

Defendants.

Civil Action No. 06-896 (JAG)

ORDER

GREENAWAY, JR., U.S.D.J.

On April 17, 2009, Magistrate Judge Madeline Cox Arleo filed a Report and Recommendation (“R&R”) (Docket Entry No. 110), pursuant to FED. R. CIV. P. 72(b) and L. CIV. R. 72.1(a)(2), wherein she recommended that the motion for voluntary dismissal, without prejudice (Docket Entry No. 101), filed by plaintiff, Maurice Assadourian (“Plaintiff”) and the cross-motion for dismissal, with prejudice (Docket Entry No. 107), filed by defendants Youssef Harb, Planet of Performers, Inc., and Amro Diab (collectively, “Defendants”), be denied and that Defendants’ request for attorneys’ fees also be denied. The time for filing objections to the R&R has expired, and no objections were submitted.

A magistrate judge's recommended disposition of a dispositive matter is subject to de novo review. In re U.S. Healthcare, 159 F.3d 142, 145-46 (3d Cir. 1998); Temptations, Inc. v. Wager, 26 F. Supp. 2d 740, 743 (D.N.J. 1998); see also FED. R. CIV. P. 72(b). This Court has reviewed the parties' submissions and the R&R under the appropriate de novo standard, and

agrees with Magistrate Judge Arleo's analysis and conclusion.¹ Therefore,

IT IS, on this 4th day of August, 2009,

ORDERED that Magistrate Judge Arleo's R&R (Docket Entry No. 110) is adopted as the opinion of the Court; and it is further

ORDERED that Plaintiff's motion to voluntarily dismiss (Docket Entry No. 101) is DENIED; and it is further

ORDERED that Defendants' cross-motion for dismissal with prejudice (Docket Entry No. 107) is DENIED; and it is further

ORDERED that Defendants' request for attorneys fees is DENIED; and it is further

ORDERED that a copy of this Order be served on all parties within seven (7) days of the date of entry of this Order.

S/Joseph A. Greenaway, Jr.
JOSEPH A. GREENAWAY, JR., U.S.D.J.

¹ To supplement Judge Arleo's observation that there is no authority, on the facts of this case, to grant the cross-motion for dismissal, with prejudice, this Court notes that the Third Circuit has "said on numerous occasions: that dismissals with prejudice or defaults are drastic sanctions, termed 'extreme' by the Supreme Court, and are to be reserved." Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863 (3d Cir. 1984) (quoting Nat'l Hockey League v. Metro. Hockey Club, 427 U.S. 639, 643 (1976)). The facts of this case do not present an extreme situation mandating or even suggesting that this Court dismiss this case with prejudice.